

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12745 of 2017

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Diwakar Yadav, Advocate in person, Son of Sri Sargun Prasad Yadav,
Resident of Mohalla- Rekabganj, Police Station- Tatarpar, District-
Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Home, Government of Bihar, Patna.
4. The Principal Secretary, Finance Department, Government of Bihar, Patna.
5. The Director General of Police, Bihar, Patna.
6. The Deputy Director of Police, Bhagalpur Range, Bhagalpur.
7. The Registrar Co-operative Societies, Bihar, Patna.
8. The Collector-cum-District Magistrate, Bhagalpur.
9. The District Co-operative Officer, Bhagalpur.
10. The Senior Superintendent of Police, Bhagalpur.
11. The Deputy Superintendent of Police (Town), Bhagalpur.
12. The Station House Officer (S.H.O.), Kotwali, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Yadav, Advocate
For the Respondent/s : Mr. LALIT KISHORE -AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-09-2017

Petitioner, claiming to be a public spirited person
and a lawyer, has filed this petition in public interest and the
three reliefs claimed read as under:

- (i) For issuance of an appropriate writ/order/direction to the respondents to recommend the investigation of withdrawal of huge amount for misappropriating of public fund with intention to cheat public exchequer to any independent agency such as CBI as



through registered Co-operative Society known as Srijan Mahila Vikas Sahyog Samiti in collusion of the Managing Committee of the Society and hire authorities and higher personalities having high approach and the said withdrawal is present known as 'SRIJAN SCAME'

(ii) For issuance of appropriate writ/order/direction that the investigation by authorities of the State of Bihar Government will not reach to the real culprits of the such scam as involvement of the higher authorities and others having high approach in the Government is not impossible.

(iii) For issuance of appropriate writ/order/direction to keep the investigation under the monitoring of Hon'ble Division Bench of this Hon'ble High Court, and submission of report per month with respect to the development of investigation, so that the real culprit may not be allowed to leave free on the basis of his/her higher approach and by way of influencing the investigating agency in any manner.

Learned Advocate General appearing for the State Government informs us and it is a fact that the State Government has already ordered an enquiry by the Central Bureau of Investigation, an independent Agency, and the first relief claimed for by the petitioner, thus, stands complied. As far as relief Nos.2 and 3 are concerned, they are consequential and would depend on the outcome of the investigation already undertaken by the C.B.I. and, therefore, at this stage, we are not inclined to go into the said questions and at this stage no monitoring of the investigation is required.



Even though learned counsel appearing for the petitioner places heavy reliance on the order of this Court in the case of State of Bihar vs. Bahadur Singh, 1996 (2) P.L.J.R. S.C. 218, to press relief Nos.2 and 3, in this Public Interest Litigation, considering the fact that the investigation is already in progress, we are not inclined to interfere into the matter. That apart, as far as monitoring the investigation by the C.B.I. by this Court is concerned, no material or prima facie case is established to show that the investigation is not progressing properly or there is any illegality or irregularity in the investigation warranting monitoring by this Court. Accordingly, we see no reason to make any indulgence.

The application is disposed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	16.9.2017
Transmission Date	

